

Board of Zoning Appeals
Town Hall, November 8, 2005, 7:00 p.m.

Members present were Chair Bob Haines, Pat Aldred, Larry Felts, Larry Gardner and Charles Lawson. Staff present was Recorder Cindy Lancaster, Engineer Rich Woodroof, and Counsel Robert Notestine. Applicant James and Edwina Stepp and 5 citizens.

Chair Haines opened the meeting at 7:00 p.m.

Chair Haines led the Pledge of Allegiance.

Chair Haines went over the procedures for this hearing.

Commissioner Felts made a motion to approve the minutes of October 11, 2005, Commissioner Lawson seconded. The minutes were approved unanimously.

Chair Haines noted that this was a portion of the meeting for citizen's comments.

Mr. James Stepp, 604 Candleshoe Court, stated he was not able to attend the BZA meeting in 2002 that this was originally approved. He said that he would like to keep the ramp that was being discussed this evening. He showed pictures of the ramp and noted that it was not unsightly. He stated that the pictures were taken approximately two months ago and would like for the ramp to remain.

Mrs. Edwina Stepp, 604 Candleshoe Court, stated that she was at the meeting and does not remember a vote taken in regards to the ramp being removed after it was no longer needed. She stated that she wanted to listen to the tape of the minutes, but it could not be located.

Commissioner Aldred stated that they had a copy of the minutes from 2002 and it states that the ramp must be removed when it is no longer needed by the mother.

Mr. Gerald Putman, 602 Candleshoe Court, noted that he was at the meeting in 2002 and the stipulation was made at that meeting to remove the ramp once it was no longer needed. He stated that he called town hall and inquired about the removed a few months ago. At that time it was unsightly with the carpet rolled up and in bad repair. He further noted that the ramp is 4' from his property line and was not opposed to the construction, if it was removed once it was no longer needed.

Mr. Stepp stated that the carpet had rolled and it has since been removed.

Counsel Notestine stated that once minutes are approved, copies of the tape are not retained.

Mr. Stepp's attorney was present and stated that he was at their home after the death of Ms. Stepp and specifically asked about the ramp. The Stepp's stated that they would be

keeping the ramp. Due to this conversation, he felt that it was not out of malice that they did not remove the ramp and wanted the board to know this.

Commissioner Gardner stated that he was at the meeting and he recalled that this stipulation was made.

Ms. Rachel Brabner, stated that her property joins the back of the Stepp's property and she does not have a problem with the ramp remaining.

There was no further citizen's comments.

The variance request for a ramp at 604 Candleshoe Court was addressed by Town Engineer Woodroof. He stated that the side yard set backs are 15' and with the construction of the ramp it takes it to 4 ½'. He stated that this is the will of the board.

Counsel Notestine noted the criteria and standards to grant a variance.

Chair Haines asked if the Stepp's would object to painting the ramp. Ms. Stepp stated that she did not want to paint it, although she would stain it.

Mr. Putman stated that he was in attendance at the meeting in 2002 and it was his opinion that if you agreed to a stipulation, that stipulation should be upheld.

Commissioner Lawson noted that the Stepp's also have an aunt in a wheelchair that utilizes the ramp and that should be considered.

Commissioner Felts stated that he has looked at the pictures and can understand the neighbors issues, but with maybe some landscaping and painting the ramp could possibly remain.

Mr. Putman stated that he had no objection when this was built. He noted that it has served its purpose and the board made the condition in 2002. The board should adhere to this condition. He stated that he had been tolerant for the past three years.

Commissioner Lawson made a motion to approve the variance referring to section 9.2.4.D. The motion died for a lack of a second.

Commissioner Gardner made a motion to deny the variance due to the stipulation from the 2002 minutes, Commissioner Aldred seconded.

Again, Commissioner Lawson reiterated that the ramp was being utilized by the Aunt and should be considered.

Commissioner Felts stated that he agreed with Commissioner Lawson.

Chair Haines asked Mr. Putman, that if the Stepp's agreed to fix the ramp and it's appearance, would he object to it remaining.

Mr. Putman stated that he did not want to be hard about this, but this was the agreement that was made in 2002 at the BZA meeting. He further stated that he has an Aunt that is in a wheelchair and when she visits they bring her in their front door.

The vote was then taken with Commissioners Aldred, Gardner and Haines for denying the variance, Commissioners Felts and Lawson against. Therefore the variance was denied.

The meeting adjourned at 7:29.

Respectfully submitted,

Cindy Lancaster
Town Recorder